

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SENATE BILL 1211

AN ACT

AMENDING SECTIONS 1-305, 16-204 AND 41-772, ARIZONA REVISED STATUTES;
RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 1-305, Arizona Revised Statutes, is amended to
3 read:

4 1-305. Election day

5 A. The biennial primary election day on the ~~eighth~~ NINTH Tuesday
6 before the general election and the biennial general election day on the
7 first Tuesday after the first Monday in November of every even-numbered year
8 are not legal holidays.

9 B. Every public officer or employee is entitled to absence from
10 service or employment for the purpose of voting pursuant to section 16-402 on
11 the biennial primary and general election days.

12 Sec. 2. Section 16-204, Arizona Revised Statutes, is amended to read:

13 16-204. Declaration of statewide concern; consolidated election
14 dates

15 A. While the legislature recognizes that the method of conducting
16 elections by political subdivisions, including charter counties and cities,
17 may be a matter of local concern, the legislature finds and determines that
18 for the purposes of increasing voter participation and for decreasing the
19 costs to the taxpayers it is a matter of statewide concern that all elections
20 in this state be conducted on a limited number of days and, therefore, the
21 legislature finds and declares that the holding of all elections on certain
22 specific consolidated days is a matter of statewide concern.

23 B. Notwithstanding any other law or any charter or ordinance of any
24 county, city or town to the contrary, an election held for or on behalf of a
25 county, city or town, a school district, a community college district or
26 special districts organized pursuant to title 48, chapters 5, 6, 8, 10, 13
27 through 16 and 33 may only be held on the following dates:

28 1. Except for regular elections for candidates in a city or town with
29 a population of one hundred seventy-five thousand or more persons, all
30 elections, including recall elections and special elections to fill
31 vacancies, shall be held on:

32 (a) The second Tuesday in March.

33 (b) The third Tuesday in May.

34 (c) The ~~eighth~~ NINTH Tuesday before the first Tuesday after the first
35 Monday in November.

36 (d) The first Tuesday after the first Monday in November.
37 Notwithstanding any other law, an election must be held on this date for the
38 approval of an obligation or other authorization requiring or authorizing the
39 assessment of secondary property taxes by a county, city, town, school
40 district, community college district or special taxing district, except as
41 provided by title 48.

42 2. For regular elections that are only for candidates in a city or
43 town with a population of one hundred seventy-five thousand or more persons
44 and not including recall elections and special elections to fill vacancies in
45 those cities or towns, elections shall be held on:

1 (a) The ~~eighth~~ NINTH Tuesday before the first Tuesday after the first
2 Monday in November.

3 (b) The first Tuesday after the first Monday in November.

4 C. For any city or town, including a charter city, that holds its
5 regularly scheduled candidate elections in even-numbered years pursuant to
6 subsection B, paragraph 2, the term of office for a member of the city
7 council or for the office of mayor begins on or after the second Tuesday in
8 January in the year following the election.

9 D. This section does not apply to an election regarding a county or
10 city charter committee or county or city charter proposal that is conducted
11 pursuant to article XIII, section 2 or 3 or article XII, section 5,
12 Constitution of Arizona.

13 Sec. 3. Section 41-772, Arizona Revised Statutes, is amended to read:
14 41-772. Prohibitions; violation; classification; civil penalty;
15 protection of civil or political liberties

16 A. An employee shall not:

17 1. Use any political endorsement in connection with any appointment to
18 a position in the state service.

19 2. Use or promise to use any official authority or influence for the
20 purpose of influencing the vote or political action of any person or for any
21 consideration.

22 B. An employee or member of the personnel board shall not be a member
23 of any national, state or local committee of a political party, an officer or
24 chairman of a committee of a partisan political club, or a candidate for
25 nomination or election to any paid public office, shall not hold any paid,
26 elective public office or shall not take any part in the management or
27 affairs of any political party or in the management of any partisan or
28 nonpartisan campaign or recall effort, except that any employee may:

29 1. Express his opinion.

30 2. Attend meetings for the purpose of becoming informed concerning the
31 candidates for public office and the political issues.

32 3. Cast his vote and sign nomination or recall petitions.

33 4. Make contributions to candidates, political parties or campaign
34 committees contributing to candidates or advocating the election or defeat of
35 candidates.

36 5. Circulate candidate nomination petitions or recall petitions.

37 6. Engage in activities to advocate the election or defeat of any
38 candidate.

39 7. Solicit or encourage contributions to be made directly to
40 candidates or campaign committees contributing to candidates or advocating
41 the election or defeat of candidates.

42 8. BE A CANDIDATE FOR AND HOLD THE OFFICE OF PRECINCT COMMITTEEMAN.

43 C. Except for expressing his opinion or pursuant to section 16-402, an
44 employee shall not engage in any activity permitted by this section while on
45 duty, while in uniform or at public expense.

1 D. A person shall not solicit any employee or a member of the
2 personnel board to engage or not engage in activities permitted by this
3 section with the direct or indirect use of any threat, intimidation or
4 coercion including threats of discrimination, reprisal, force or any other
5 adverse consequence including the loss of any benefit, reward, promotion,
6 advancement or compensation.

7 E. A person shall not subject any employee or a member of the
8 personnel board engaging in activity permitted by this section to any direct
9 or indirect discrimination, reprisal, force, coercion or intimidation or any
10 other adverse consequence including the loss of any benefit, reward,
11 promotion, advancement or compensation.

12 F. A person shall not subject any employee or member of the personnel
13 board who chooses not to engage in any activity permitted by this section to
14 any direct or indirect discrimination, reprisal, force, coercion or
15 intimidation or any other adverse consequence including the loss of any
16 benefit, reward, promotion, advancement or compensation.

17 G. ~~The provisions of~~ This section ~~do~~ DOES not apply to school board
18 elections or community college district governing board elections, and an
19 employee may serve as a member of the governing board of a common or high
20 school district or as a member of a community college district governing
21 board.

22 H. An employee who violates any of the provisions of this section
23 shall be subject to suspension of not less than thirty days or dismissal.

24 I. A person who violates:

25 1. Subsection D, E or F of this section is guilty of a class 6 felony.

26 2. Any other provision of this section is guilty of a class 1
27 misdemeanor.

28 J. In addition to any other penalty, any person soliciting or
29 encouraging a contribution in a manner prohibited by this section is subject
30 to a civil penalty of up to three times the amount of the contribution
31 solicited or encouraged plus costs, expenses and reasonable attorney fees.

32 K. Nothing contained in this section shall be construed as denying any
33 employee or board member his civil or political liberties as guaranteed by
34 the United States and Arizona Constitutions.

35 L. It is the public policy of this state, reflected in this section,
36 that government programs be administered in an unbiased manner and without
37 favoritism for or against any political party or group or any member in order
38 to promote public confidence in government, governmental integrity and the
39 efficient delivery of governmental services and to ensure that all employees
40 are free from any express or implied requirement or any political or other
41 pressure of any kind to engage or not engage in any activity permitted by
42 this section. Toward this end, any person or entity charged with the
43 interpretation of this section shall take into account the policy of this
44 section and shall construe any of its provisions accordingly.